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February 3, 2016

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Federal Election Commission
Jeff S. Jordan, Assistant General Counsel
Office of Complaints Examination
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999 E. Street, NW
Washington, DC 20463

OFFICE OF GENERAL

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FEDERAL ELECTION
COMMISSION

Re: MUR 6990

Dear Mr. Jordan:

I represent Mr. Robert H. Strouse in the above-referenced matter. Because the Complaint presents no violation, the Commission should find no reason to believe any occurred, dismiss the allegations, and close the file.

Mr. Strouse is the father of Kevin Strouse, who ran for Congress in Pennsylvania's 8th Congressional District in 2014. Mr. Strouse has given to a number of candidates and political committees over the years. The Complaint alleges that Mr. Strouse contributed \$5,200 to Friends of Patrick Murphy on June 22, 2013, with \$2,600 designated for the 2014 primary election and \$2,600 for the general election. *See* Complaint Exh. B. Mr. Strouse does not dispute the contribution and was pleased to give to Representative Murphy, whom he liked and whose views were compatible with his own. Mr. Strouse gave unconditionally and without reimbursement.

The Complaint alleges that Thomas Murphy, Representative Murphy's father, contributed to Kevin Strouse for Congress on June 26, 2013. Solely because Mr. Murphy gave to the Strouse campaign, and solely because Mr. Strouse gave to the Murphy campaign—and for no other reason at all—the Complaint alleges that Mr. Murphy made a prohibited contribution in the name of another under 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b). *See* Complaint at 1-2.

The Complaint fails as a matter of law. It presents no evidence of any “scheme,” which in any case cannot be inferred simply from the timing of lawful contributions.¹ Moreover, the Complaint ignores the fact that, even if Mr. Strouse had conditioned his contribution to the

¹ *See* First General Counsel's Report, MUR 5304, at 8-9. Unlike this case, MUR 5304 involved allegations of *actual* reimbursement: that a federal candidate made contributions through his state assembly committee to an array of nonfederal committees, which in turn gave to his federal principal campaign committee. *See id.* at 4. Even then, the General Counsel found that the complaint only presented contributions that were legal on their face—not enough for the sort of “sufficiently specific allegation” that is needed for Commission investigation. *Id.* at 9.

Murphy campaign on Mr. Murphy's willingness to give to the Strouse campaign, or vice versa, it would have been perfectly legal to do so. The Commission has consistently found that, for a prohibited reimbursement to occur under 52 U.S.C. § 30122, the true donor must actually provide funds to the putative donor—which the Complaint nowhere alleges, and which did not occur here.²

In enforcement, the Commission has already considered and rejected an allegation like the one here. MUR 4783 involved a supposed "quid pro quo contribution scheme"—that a donor who gave the maximum amount to the Babin committee gave to the Thurmond and Gill committees, with the express understanding that donors to the Thurmond and Gill committees would give to the Babin committee. First General Counsel's Report, MUR 4783, at 6. The General Counsel found that

neither of these sets of contributions themselves appear to violate the Act, even if they occurred exactly the way Complainant alleges. These contributions do not appear to have been contributions made in the name of another, because Mr. Cloeren did not reimburse either Mr. Averyt or the Gill contributors for their contributions to the Babin Committee.

Id.

Through advisory opinion, the Commission has likewise distinguished permitted mutual support from prohibited reimbursements. In Advisory Opinion 1996-33, the Commission allowed Thomas Colantuono, a New Hampshire state legislator and Congressional candidate, to give from his nonfederal campaign committee to other state legislators' campaigns, and then to solicit those same legislators for personal funds for his federal campaign, so long as the nonfederal campaigns did not reimburse the legislators for their personal contributions. *See* Advisory Opinion 1996-33. While the Commission would not approve Colantuono's request to solicit the nonfederal campaigns, it held that soliciting the legislators themselves for personal funds would be different: "Such contributions would not have originated with their committees, which would have received funds from Mr. Colantuono's State committee." *Id.*

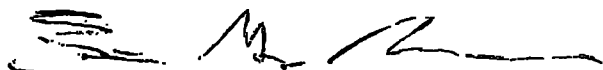
Almost three years after making a lawful political contribution, Mr. Strouse now finds himself a respondent to a Complaint that presents no violation, that relies entirely on just the sort of speculation that the Commission routinely disregards, and that is plainly foreclosed by previous Commission decisions. Mr. Strouse respectfully requests the Commission promptly to find no reason to believe any violation occurred, dismiss the matter and close the file.

² The Complaint repeatedly claims that Mr. Murphy "reimbursed" Mr. Strouse for his contribution, but it alleges no payments between them. This claim of a prohibited "reimbursement" is just the sort of "unwarranted legal conclusion" that the Commission can and should ignore. First General Counsel's Report, MUR 5304, at 9.

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We appreciate the Commission's consideration of this response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brian G. Svoboda", with a long horizontal line extending to the right.

Brian G. Svoboda
Counsel to Robert H. Strouse

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